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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,836	02/13/2002	Arthur T. Nemirow	R408-MA/NE	9011

7590 03/31/2003  
Natan Epstein of BEEHLER & PAVITT  
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EXAMINER

AMARANTIDES, JOHN

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/075,836

Applicant(s)

NEMIROW, ARTHUR T.

Examiner

John Amarantides

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-25 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-20 and 26-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:
  - a. Reference character "52" has been used to designate both radial tab and mounting block in Figure 2.
  - b. Reference character "48" has been used to designate both the drive pulley in Figure 3 and the slot in Figure 5 (Page 7, lines 18 and 21).
  - c. Reference character "62" has been used to designate both slot aperture and edge in Figure 9.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Lamp ballast (18), unblocked strip area (64), the color tube (70) and control system (80). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference number (23) in Figures 3, 5 and 7. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office

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action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

4. The disclosure is objected to because of the following informalities:

- a. Page 6, line 23, "aperture mask (24) is an aperture tube (24)". If the mask and tube are the same, then they should be named the same.
- b. Page 6, line 31, "color filter tube (22)", Page 7, line 1, "tube (22)", Page 6, line 32 and Page 7, line 9, "color tube (22)". The named part identified by reference number should be consistent throughout the specification.
- c. Page 7, line 3, "aperture (28)" and "aperture slot (28)". The named part identified by reference number should be consistent throughout the specification.
- d. Page 7, line 29, "two color strips (56, 58)" are identified, while reference number (56) also identifies the opaque strip in the specification. Also see page 8, line 14.
- e. Page 8, lines 7, 8 and 12, reference number (56) is used to identify the opaque strip and the first color strip, while the first color strip is identified by reference number (58).

The specification is replete throughout with these errors and should be looked at closely and corrected. Appropriate correction is required.

### *Claim Objections*

5. Claim 20 objected to because of the following informalities: Claim 20 cannot be dependent upon itself. For examination purposes claim 20 was assumed to be dependent upon claim 19. Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 recites the limitation "said housing" in line 5. A housing has not been previously recited in claim 1. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 1, lines 4 and 12; Claim 13, line 1; Claim 14, line 1; Claim 17, line 2; Claim 18, line 2; Claim 19, line 7, all recites the limitation "said tube". There is a lamp tube and a color tube and it is unclear which tube is referred to in light of the claim and specification. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 18 recites the limitation "said lamp" in line 2. It is unclear if this is the lamp tube, since a lamp is recited in claim 1. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 19 recites the limitation "comprising" in lines 1 and 8. It is unclear where the preamble ends and the invention begins.

*Allowable Subject Matter*

11. Claims 21 – 25 are allowed.

12. The following is an examiner's statement of reasons for allowance:

- a. In regard to claim 21 the references of the prior art of record fail to teach or suggest the combination of the limitations as set forth in claim 21, and specifically comprising the limitation (method) of the use of linear lamp tube, with a lamp aperture

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between the lamp tube and a changing color filter media to simulate various lighting conditions throughout the day.

- b. Claims 22 – 25 are allowable for the reasons given in claim 21 because of their dependency status from claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

13. Claims 1 and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, drawings, specification and claim objections set forth in this Office action.

14. Claims 13, 14, 17 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, drawings, specification and claim objections set forth in this Office action.

15. The following is a statement of reasons for the indication of allowable subject matter:

- a. In regard to claims 1 and 19, the references of the prior art of record fail to teach or suggest the combination of the limitations as set forth in claims 1 and 19, and specifically comprising the limitation of the use of a color tube with longitudinal colored filter strips and a motor to rotate the tube to achieve a desired color of light to be emitted.
- b. Claims 2 – 18 would be allowable for the reasons given in claim 1 because of their dependency status from claim 1.

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- c. Claim 20 would be allowable for the reasons given in claim 19 because of its dependency status from claim 19.
- d. In regard to claim 26 the references of the prior art of record fail to teach or suggest the combination of the limitations as set forth in claim 26, and specifically comprising the limitation of the use of a dimming tube with a clear and opaque longitudinal area (strip) rotated about a lamp tube and a mask defining an aperture to limit or control the light emission longitudinally along the aperture from the dimming tube.
- e. Claims 27 and 28 would be allowable for the reasons given in claim 26 because of their dependency status from claim 26.

*Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to show the present state of the art with respect to linear light source devices with rotatable tubular multi-color filters:

- a. US006210023B1 to Evens
- b. US005329435A to McGuire
- c. US005311687A to Reed
- d. US004991070 to Stob
- e. US003805053 to Julinot

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Amarantides whose telephone number is 703-305-4013.

The examiner can normally be reached 8:00am-4:30pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Sember can be reached on 703-308-1938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3329.

JA 

March 25, 2003



**THOMAS M. SEMBER  
PRIMARY EXAMINER**